IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

PEARLE VISION, INC., a Delaware Corporation, and PEARLE, INC., a Delaware Corporation,	)	
Plaintiffs,	)	
v.	)	**No. 04 C 4349**
	)	**Judge Joan H. Lefkow**
VICTOR ROMM, individually, VICTOR ROMM d/b/a ROMM & COMPANY, INC., VICTOR ROMM d/b/a ROMM VISION ENTERPRISES, INC., VICTOR ROMM d/b/a EYES 2000, LTD., ROMM & COMPANY, INC., an Illinois Corporation, ROMM VISION ENTERPRISES, INC., an Illinois Corporation, and EYES 2000, LTD., an Illinois Corporation,	)	**Magistrate Judge Nolan**
Defendants.	)	

ORDER

The Court having issued a Memorandum Opinion and Order on September 1, 2005 under which the Court granted the Motion for Summary Judgment of Pearle Vision, Inc., and Pearle, Inc. (together, "Pearle Vision") under FRCP 56,

IT IS HEREBY ORDERED that judgment is entered in favor of Pearle Vision, Inc., and Pearle, Inc., and against Victor Romm, individually, in the amount of $325,521.99, of which $171,319.47 is attributable to the damages arising from his failure to make payments for Royalties, Advertising Contributions, rent and product at the Villa Park, Geneva, Elk Grove Village and Elgin Pearle Vision franchises, and of which $154,202.52 is attributable to the reasonable attorney's fees, expert's fees, court costs and expenses of litigation that Pearle Vision incurred related to its successful enforcement of the terms of the Franchise Agreements, as allowed under Paragraph 30 of each Franchise Agreement and as established by the Affidavit of Michael J. Wall submitted contemporaneously with this proposed Order. As part of but not duplicative of that judgment:

a) judgment is entered against Victor Romm, individually, Romm & Company, Inc., and each of them, in the amount of $65,099.39 arising from the operation of the Villa Park franchise (Store # 8191); and

b) judgment is entered against Victor Romm, individually, Romm Vision Enterprises, Inc., and each of them, in the amount of $38,634.07 arising from the operation of the Geneva franchise (Store # 8330), and in the amount of $43,756.77 arising from the operation of the Elk Grove Village franchise (Store #8335); and

c) judgment is entered against Victor Romm, individually, Eyes 2000, Ltd., and each of them, in the amount of $23,829.24 arising from the operation of the Elgin franchise (Store # 8453).

IT IS FURTHER ORDERED that Victor Romm is directed to show cause why judgment in the additional amount of $321,000 should not be entered against him, which is the accumulated amount of the $1000/day sanction imposed by the Court in its October 14, 2004 Order, up to and including September 1, 2005, the date summary judgment was entered, after the Court held Victor Romm in civil contempt for failing to return to Pearle Vision electronic copies of patient records despite being ordered to do so. In order to ascertain the correct amount of the judgment to be entered on this sanction, within 14 days of the entry of this Order, Victor Romm, Romm & Company, Inc., Romm Vision Enterprises, Inc., and Eyes 2000, Ltd., are to submit to the Court, with copies to the attorneys of record for Pearle Vision, individual and corporate tax returns for the years 2002 through 2004, and within the same 14 days Victor Romm is to complete and submit to the Court, with copies to the attorneys of record for Pearle Vision, a Financial Affidavit as would be required to support an Application to Proceed in Forma Pauperis (as found under the "Online Forms" icon on the web page of the Clerk's Office (www.ilnd.uscourts.gov). (See generally *South Suburban Housing Center v. Berry*, 186 F.3d 851 (7th Cir. 1999).) Alternatively, Victor Romm is given 14 days from the entry of this Order in which to provide Pearle Vision electronic and hard copies of all patient records, in which case the order imposing the $1000/day sanction will be vacated.. Pearle Vision is to mail a copy of this Order to Victor Romm. A status is set for October 6, 2005, at 9:30 a.m. to ascertain Victor Romm's compliance with this Order.

September 12, 2005

Charles P. Kocoras
CHARLES P. KOCORAS
Chief United States District Judge for

for JOAN HUMPHREY LEFKOW
United States District Judge

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